

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:08CV373
Plaintiff,)	
)	
v.)	ORDER ON PRETRIAL
)	CONFERENCE
\$13,054.00 IN UNITED STATES CURRENCY,)	
)	
Defendant(s).)	

A final pretrial conference was held on the 1st day of September, 2009. Appearing for the parties as counsel were:

Nancy A. Svoboda, Plaintiff, United States of America

Leon Stanley, Pro Se Claimant

(A) Exhibits. See attached Exhibit List.

Caution: Upon express approval of the judge holding the pretrial conference for good cause shown, the parties may be authorized to defer listing of exhibits or objections until a later date to be specified by the judge holding the pretrial conference. The mere listing of an exhibit on an exhibit list by a party does not mean it can be offered into evidence by the adverse party without all necessary evidentiary prerequisites being met.

(B) Uncontroverted Facts. The parties have agreed that the following may be accepted as established facts for purposes of this case only:

1. The Court has jurisdiction of this matter pursuant to Title 28, United States Code, Sections 1345, 1355 and 1395, and pursuant to Title 21, United States Code, Section 881.
2. The Defendant is \$13,054.00 in United States Currency.

3. The Defendant property is now and will be during the pendency of this action in the judicial district of the State of Nebraska.

4. On or about March 8, 2008, the Defendant property was seized in Lancaster County, Nebraska by troopers of the Nebraska State Patrol; the property is currently held by the United States Marshals Service. Immediately after said seizure, administrative forfeiture proceedings were instituted by the United States Drug Enforcement Administration.

5. Leon Stanley has filed a Claim for ownership, pertaining to said Defendant property, with the United States Drug Enforcement Administration.

6. Marijuana is a controlled substance pursuant to Title 21, United States Code, Section 812.

(C) Controverted and Unresolved Issues. The issues remaining to be determined and unresolved matters for the court's attention are:

1. Whether the Defendant property was used to facilitate the Claimant's transportation, sale, receipt, possession and distribution of a controlled substance.
2. Whether the Defendant property is proceeds traceable to the Claimant's exchange of a controlled substance.
3. Whether the Claimant is an innocent owner of the Defendant property, within the purview of Title 18, United States Code, Section 983(d).
4. Whether Mr. Stanley will be present at trial via telephone or in person.

(D) Witnesses. All witnesses, including rebuttal witnesses, expected to be called to testify by plaintiff, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

Sergeant Lonnie Connelly, Nebraska State Patrol, Lincoln, Nebraska
Trooper Jay Poppe, Nebraska State Patrol, Lincoln, Nebraska

WILL CALL
WILL CALL

All witnesses expected to be called to testify by Claimant, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are: None

It is understood that, except upon a showing of good cause, no witness whose name and address does not appear herein shall be permitted to testify over objection for any purpose except impeachment. A witness whose only testimony is intended to establish foundation for an exhibit for which foundation has not been waived shall not be permitted to testify for any other purpose, over objection, unless such witness has been disclosed pursuant to Federal Rule of Civil Procedure 26(a)(3). A witness appearing on any party's witness list may be called by any other party.

(E) Expert Witnesses' Qualifications. Experts to be called by plaintiff and their qualifications are:

Sergeant Lonnie Connelly, Nebraska State Patrol, Lincoln, Nebraska

Experts to be called by Claimant and their qualifications are:

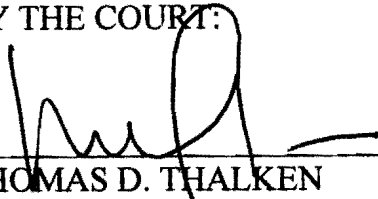
(F) Briefs, Instructions, and Proposed Findings. Counsel have reviewed NECivR 39.2(a), 51.1(a), and 52.1, and suggest the following schedule for filing trial briefs and proposed findings of fact, as applicable: Filed one week before trial.

(G) Length of Trial. Counsel estimate the length of trial will consume not more than one day.

(H) Trial Date. Trial is set for October 13, 2009.

DATED this 3rd day of September, 2009.

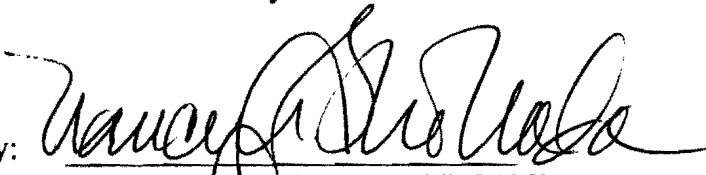
BY THE COURT:



THOMAS D. THALKEN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA,
Plaintiff,


JOE W. STECHER
United States Attorney

By:  9/11/09

NANCY A. SVOBODA (#17429)
Assistant U.S. Attorney
1620 Dodge Street, Suite 1400
Omaha, NE 68102-1506
(402) 661-3700

Approved as to form and content:

\$13,054.00 IN UNITED STATES
CURRENCY, Defendant, and
LEON N. STANLEY, Claimant

By:  9/11/09

LEON N. STANLEY
CJ-SAUNDERS COUNTY, Saunders County Corrections
387 North Chestnut Street
Suite 4
Wahoo, NE 68066

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff(s),

v.

\$13,054.00 IN UNITED STATES CURRENCY,
Defendant(s).

LIST OF EXHIBITS

Case Number: 8:08CV373
Courtroom Deputy: Tracy Slagle
Court Reporter: Allan Kuhlman

Trial Dates: October 13, 2009-

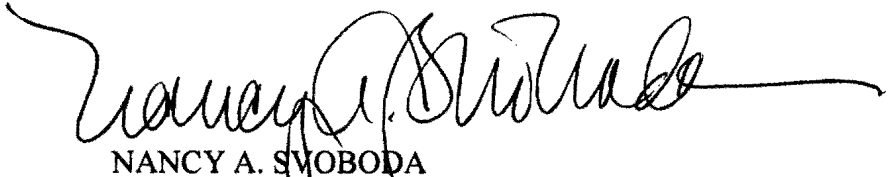
EXHIBIT NO.								
PL F	DF	3 PTY	DESCRIPTION	OFF	OBJ	RCV D	NOT RCVD	DATE
1			Traffic Stop Video					
2			Rental Agreement					
3			Disclaimer					
4			Photograph					
5			Photograph					
6			Photograph					
7			Photograph					
8			Photograph					
9			Photograph					
10			Photograph					
11			Photograph					
12			Photograph					

13		Photograph					
14		Photograph					
15		Photograph					
16		Photograph					
17		Photograph					
	101	Previous Bill of Sale					
	102	Bank Statements					
	103	Dealer Access Card					
	104	Agreement Between Leon Stanley and Rapper Bobby Williams, a/k/a Young Jr., for the Price of \$10,000					
	105	Receipt re: Bobby Williams Contract					
	106	Phone Records (6 pages)					
	107	GPS records (2 pages)					
	108	Trooper Poppe's Narrative (4 pages)					
	109	Stanley Interview					
	110	Criminal Record					

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing was served on the following by placing same in the U.S. Mail, properly addressed and postage prepaid, this 2nd day of September, 2009.

LEON N. STANLEY
CJ-SAUNDERS COUNTY, Saunders County Corrections
387 North Chestnut Street
Suite 4
Wahoo, NE 68066



NANCY A. SVOBODA
ASSISTANT U.S. ATTORNEY